United Nations A/C.3/57/SR.33

General Assembly

Fifty-seventh session

Official Records

Distr.: General
11 November 2003
English
Original: French

Third Committee

Summary record of the 33rd meeting

Held at Headquarters, New York, on Monday, 4 November 2002, at 10 a.m.

Chairman: Mr. Wenaweser ..... (Liechtenstein)

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02-67443 (E)

The meeting was called to order at 10.10 a.m.

Agenda item 109: Human rights questions (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (A/57/36, A/57/446)

1. **Mr. Vieira de Mello** (United Nations High Commissioner for Human Rights) stressed the importance and difficulty of his mission. At an informal meeting of the Commission on Human Rights, he had outlined some ideas about how he intended to fulfil his mandate; years of experience had led him to the universally held belief that human rights were about ensuring dignity, equality and security for all.

2. The tragic events in Bali and Moscow in October 2002 had heightened the general feeling of insecurity provoked by the attacks of 11 September 2001. No cause could justify terrorism, a phenomenon that must be universally and unequivocally condemned. Successfully countering terrorism, however, required more than rigorous law enforcement; it also required a longer-term and more holistic approach, as well as a determination to ensure that all people enjoyed all their rights.

3. Respect for life and human dignity, which formed the basis for human rights, was a value shared by all cultures and religions. Accordingly, in order to establish global security, it was essential to promote respect for human rights by upholding the primacy of the rule of law, fostering social justice and enhancing democracy. Human rights violations risked breeding hatred, resentment and violence, and it was a matter of concern that some States had taken advantage of the current climate to adopt measures that could be used to suppress fundamental freedoms. He recalled that he had briefed the Counter-Terrorism Committee and discussed potential cooperation modalities with its members, with a view to ensuring that counter-terrorism measures enhanced, rather than undercut, the rule of law.

4. Ensuring security for all was currently a key priority; terrorism, foul though it was, was not the only threat. Discrimination and racial hatred were often the auguries of destructive conflicts, while the challenges of extreme poverty, underdevelopment, HIV/AIDS and the lack of social justice persisted.

5. The countless conventions and declarations that were now part of international law represented one of the most important legacies of the latter half of the twentieth century; the current session of the General Assembly would afford Member States a further opportunity to advance the process by adopting a new instrument: the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

6. It was also to be hoped that the work of the Ad Hoc Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities would lead to the elaboration of another fundamental instrument.

7. International human rights law, international humanitarian law, international refugee law and international criminal law stood as a fundamental defence against assaults on all humanity. Together they represented common ground in a richly diverse and rapidly changing world. Their power lay in their capacity to protect even the most vulnerable, and bind even the most powerful.

8. The value of those laws could, however, only be measured in terms of their universal application. Although much progress had been achieved since the Millennium Assembly on the ratification of the core human rights treaties — with every State Member of the United Nations now a party to one or more of the core conventions — much remained to be done to ensure the universality and proper application of those instruments.

9. As High Commissioner, his approach would be guided by the principle of the rule of law, which required that the full range of institutional arrangements functioning under the constitutions and the legislation of various countries should play an active role to ensure that human rights were advanced, realized and defended in accordance with international commitments. His Office was thus intent on strengthening the rules, processes and institutions of the rule of law, assisted by the newly created working group on democracy.

10. In the months ahead, he planned to make a careful review of his Office's cooperation and assistance programmes to ensure that the necessary support was provided to the major categories of national institutions, as well as to independent national

commissions and civil society organizations at all levels.

11. Conflict often emerged where the rule of law collapsed and, given the supreme difficulty of halting the violence and suffering that resulted, it was vital to make a more serious commitment to prevention, instead of merely intervening after the fact.

12. Since it was essential that all States and armed groups should stop targeting innocent civilians, he was seeking support to ensure that any abuse of that basic rule of conduct was effectively addressed through the rule of law itself.

13. There were many tools available, including the provisions of humanitarian law. The International Criminal Court should also be seen as an instrument for combating impunity for genocide, war crimes and crimes against humanity. He stressed the historic nature of the appointment of the first judges to serve on the Court, and encouraged nomination of women candidates to ensure that the principle of fair representation embodied in the Rome Statute was properly respected.

14. The tragic situation confronting the inhabitants of the occupied Palestinian territories and Israel was a matter of deep concern. That protracted conflict had already claimed countless innocent lives, and human rights and dignity had rarely been as little respected as they were today. The two parties must be encouraged to pursue a human rights-based path to peace, since neither could expect to triumph through violence or repression.

15. The recent outbreak of violence in Côte d'Ivoire was also deeply disturbing. There had been reports of summary executions, arbitrary arrests, attacks based on nationality, ethnicity or religious belief, as well as hate speech, the destruction of private property and population displacement. The authorities and the armed groups must take all necessary steps to put an end to the suffering of the civilian population, comply with the provisions of article 3 common to all four 1949 Geneva Conventions, and cooperate with the mediators from the Economic Community of West African States and the Special Representative of the Secretary-General in order to guarantee respect for human rights and ensure rapid improvement in the humanitarian situation.

16. In the Great Lakes region, thousands had perished as a result of protracted conflict, especially in Burundi and the Democratic Republic of the Congo. Massacres had been committed with impunity, and resources had been diverted to the military, while the population continued to face urgent needs in terms of humanitarian assistance and protection. Efforts must therefore be redoubled to find an immediate resolution of the conflicts in those two countries, to allow for stability and reconstruction.

17. It was also important to further encourage the reconstruction and peace-building efforts of countries emerging from conflict, the situation in Sierra Leone being a good example. The Truth and Reconciliation Commission in that country, which had been established in September 2002, was a promising institution, but it was in need of adequate resources.

18. In Afghanistan, his Office had undertaken to work alongside the Government, civil society, the newly established national Human Rights Commission and its colleagues in the United Nations Assistance Mission in Afghanistan (UNAMA) to build a culture of women's rights, human rights education and justice.

19. Initiatives to protect human rights were not, however, restricted to countries emerging from conflict. His Office worked in more than 40 countries helping to strengthen judicial independence, train the judiciary, police and prison officials and promote the free and active engagement of civil society in public affairs, while continuing to ensure that any violations were appropriately addressed.

20. In order to secure the rule of law, there must be a renewed commitment from all stakeholders. Since respect for human rights was a national responsibility, nationally owned protection mechanisms should be supported to ensure that human rights norms were understood by and accessible to all.

21. He hoped to develop genuine partnerships with civil society, which had a crucial role to play in that connection.

22. He also looked forward to working with the private sector, through the Global Compact and beyond. Globalization only increased the need for concerted action with all entities which had an impact on the realization of civil, cultural, economic, political and social rights, as well as the right to development.

23. Application of the principle of the rule of law to the problem of poverty served to highlight the issue of the right to development. Human development plans, policies and programmes were indeed of fundamental importance for every country. Without the free and active participation of the population, effective and honest governance, social justice, strong international cooperation and solidarity and rights-based and gender-sensitive approaches at every stage of the development process, the right to development would remain an abstraction.

24. He reaffirmed his conviction that human rights were indivisible, and that the right to development must take into account the need to free all individuals from fear and want. For his part, he would give all necessary support to the open-ended working group on the right to development and would work to ensure that his Office's assistance programmes were better integrated into national programmes.

25. In view of the enormous challenges that the international community had to meet, it was important above all to reflect on how to move forward. The Commission on Human Rights had a major role to play in that regard, and he welcomed the fact that a growing number of countries had now issued invitations to special rapporteurs to visit their national territory. All States, however, should follow suit, especially those that were members of the Commission.

26. The Office of the High Commissioner for Human Rights should be allocated additional resources; currently, it received less than 1.54 per cent of the Organization's regular budget, despite the importance accorded to human rights in the Charter of the United Nations.

27. He welcomed the Secretary-General's reports on the reform of the Organization and on the activities of the Office of Internal Oversight Services concerning the management review of the Office of the United Nations High Commissioner for Human Rights; he was in the process of implementing the recommendations in both. A report on the strengthening of the management of the Office would be submitted to the Secretary-General by March 2003.

28. **Mr. Jakubowski** (Poland), presenting an overview of the work of the fifty-eighth session of the Commission on Human Rights, including the problems encountered and the progress accomplished, said that the length of the debates on the worsening human rights situation of the Palestinians and the discontinuation of additional meetings had caused difficulties during the session. Although the expanded Bureau had managed to devise a number of measures to enable the Commission to complete its agenda, there had been a significant cost in terms of participation and the quality of the debate. He hoped that that situation would not constitute a precedent.

29. The Economic and Social Council had endorsed the Commission's request for an additional 14 meetings at its fifty-ninth session to allow it sufficient time to study the special procedures that were so crucial to its smooth functioning, and to maintain and strengthen the longstanding, privileged relationship it had developed with civil society. The Commission had also continued to improve its working methods and had decided, inter alia, that its Bureau would be elected two months prior to each session in order to enable it to participate more effectively in preparations for the session. The Commission would also be embarking on a formal review of its working methods to ensure that it was better equipped to meet future challenges. The expanded Bureau of the fifty-eighth session was in the process of drafting recommendations based on lessons learned which it would submit to the Bureau of the fifty-ninth session. He was pleased to report that there was a larger-than-expected emerging consensus on many important issues. Such an achievement had been the result of extensive consultations with all stakeholders; together with the proposals on the reforms to commence in 2003, it gave the Commission a unique opportunity to reflect on its working methods and effectiveness.

30. Other noteworthy steps taken included the decision to appoint a special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. That new mandate, adopted by the Commission by consensus and approved by the Economic and Social Council, filled an important gap in the human rights protection system. The Council had also approved the establishment of two new working groups as part of follow-up to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, as well as the establishment of a voluntary fund to provide additional resources for various activities relating to the effective implementation of the Durban Declaration and Programme of Action. He also wished to draw the

Committee's attention to the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had been adopted by the Commission on Human Rights and the Economic and Social Council following 10 years of negotiations. He shared the hope of the High Commissioner that the instrument would be adopted by the General Assembly.

31. Since the Commission's volume of work had continued to increase, the expanded Bureau played a crucial role and it was to its credit that the required consensus for the implementation of time-saving measures had been reached. The Commission's work was only meaningful when combined with that of its partner bodies and mechanisms, and it was in that context that the expanded Bureau's post-sessional activity must be understood. The expanded Bureau had participated in the fourteenth meeting of Chairpersons of Human Rights Treaty Bodies, as well as the ninth annual meeting of special rapporteurs, representatives, independent experts and chairpersons of working groups of the Commission on Human Rights. The expanded Bureau had held constructive, closed consultations with the Subcommission on the Protection and Promotion of Human Rights, and the idea of a possible change in the dates of the Subcommission's annual sessions — which would allow the Commission and the Council to take more rapid action on the Subcommission's decisions — had received wide support.

32. The various meetings to which he had referred had underscored the need for a strengthened relationship between those mechanisms and bodies and for the determination to strengthen the human rights protection system without undermining the independence of the Commission's mechanisms.

33. It was a difficult time for the human rights community, which was faced with an enormous task. He was confident, however, that the difficulties encountered would not prevent the international community from improving the promotion and protection of human rights throughout the world.

34. **Mr. Hahn** (Denmark), speaking on behalf of the European Union, asked the High Commissioner to explain how he perceived his Office's role in the light of the importance attached to the establishment of national systems of justice and the supremacy of the rule of law in promoting international human rights standards; what steps he planned to take to ensure that human rights were placed at the very centre of peace agreements, conflict prevention and post-conflict management; whether he planned to strengthen his Office's cooperation with non-governmental organizations, for example by creating a focal point within the Office; and, lastly, how he evaluated the progress achieved in mainstreaming human rights in the activities of the United Nations system, and whether his Office planned to make any further contribution in that regard.

35. **Ms. Boniver** (Italy), referring to some of the key issues raised by the High Commissioner in his statement to the Commission on Human Rights on 24 September 2002, said that the protection of human rights must go hand in hand with respect for cultural diversity, since both were instrumental in creating conditions that would ensure peace and development. Dialogue among civilizations should be further encouraged and should be free from political prejudice and confrontational attitudes. She would be interested to hear the High Commissioner's views on the prospects for such a dialogue and how his Office might contribute. She would also like him to elaborate on the relationship between cultural diversity and human rights in the activities of United Nations bodies. Lastly, concerning the mainstreaming of human rights in those activities in all policy areas, she would be interested to hear the High Commissioner's view of the role that his Office might play and the contribution Member States might usefully make in that regard. Her Government was currently financing a number of programmes in Geneva and elsewhere and she assured the High Commissioner that it would continue to support his efforts.

36. **Ms. Viotti** (Brazil) said that, as at the previous session, the States members of the Southern Cone Common Market (MERCOSUR) and associated countries would be introducing a draft resolution in support of United Nations activities aimed at assisting countries to strengthen their capacity and improve their systems for the protection of human rights, while respecting the principle of national responsibility. The MERCOSUR countries hoped that the draft resolution would receive the support of a large number of countries, as in the previous year.

37. **Ms. Hasmy** (Malaysia) endorsed the statements made by the High Commissioner that placed the human person at the centre of human rights issues and said it

was essential to maintain a dialogue among civilizations. His delegation hoped that the High Commissioner would pay special attention to the flagrant violations by Israel of the fundamental rights of the Palestinian people. It was gratified that he planned to send a mission to the occupied Palestinian territories and establish an appropriate international presence to monitor the human rights situation in the region. It also hoped that the High Commissioner would finally manage to persuade Israel to implement the decisions concerning it without delay, and thanked him for raising the issue in his statement.

38. **Mr. Vieira de Mello** (United Nations High Commissioner for Human Rights), responding to the questions put to him by the representative of Denmark on behalf of the European Union, reaffirmed his commitment to the rule of law. He was determined to help countries to apply the human rights provisions and standards elaborated by his Office at the national level. He intended to continue, expand and strengthen the technical assistance and cooperation programmes launched by his predecessor in the countries where they existed and to establish new programmes in other countries, with a view to providing various types of assistance, including assistance in the legislative, executive and judicial domains. The experience he had acquired in Kosovo and Timor-Leste would help him in the discharge of his new mandate.

39. As to the importance that should be allocated to human rights in peace agreements, conflict prevention and post-conflict situations, he said that the search for peace had always been — and would remain — his priority. He planned to continue consultations already under way with several parties engaged in conflicts and with mediators with a view to defining the various ways in which his activities could promote peace. It was not in fact sufficient to monitor human rights situations; the countries concerned must also be helped to implement at the national level the solutions that had been devised and to establish national peace-building and conflict-prevention mechanisms. Together with colleagues in the Department of Political Affairs and the Department of Peacekeeping Operations, he had discussed the need to create strong partnerships in the areas of the prevention and settlement of conflicts.

40. Non-governmental organizations had always been essential partners in each and every activity he had carried out as High Commissioner and he intended to continue that collaboration. He would indeed be establishing a coordination centre, as well as a unit for external relations that would bring together the various functions that had previously been distributed among various units of his Office. The unit would consist of a small group responsible for liaison and for cooperation with non-governmental organizations in areas such as the protection of human rights and the establishment of partnerships in the field — as was already being done, for example, in Afghanistan.

41. Concerning the mainstreaming of human rights activities within the United Nations system, he wished to underscore the importance of cooperation with the Department of Political Affairs, the Department of Peacekeeping Operations and other departments at Headquarters. The Under-Secretary-General for Peacekeeping Operations and the Under-Secretary-General for Special Political Affairs had assured him that they would participate in the forthcoming meeting of all the heads of external offices to be held in November in Geneva. Priority areas had been jointly defined with the United Nations Development Programme, the World Bank, the International Monetary Fund (IMF), the World Trade Organization and most of the heads of United Nations funds, programmes and specialized agencies.

42. He did not plan to overload his Office with new activities, since quantity was the worst enemy of quality. Instead, he hoped to reallocate some resources with a view to strengthening operational activities.

43. In response to the observations of the representative of Italy, he reaffirmed that dialogue among cultures was, by definition, essential to promoting tolerance and thus respect for human rights. Together with all Member States, and with Italy in particular, he would explore ways of promoting such a dialogue. He welcomed the proposal concerning the organization of a seminar on the issue made by Italy during its presidency of the European Union.

44. He shared the deep concern expressed by many delegations with regard to anti-Semitism, an age-old phenomenon that saw a cyclical resurgence, with an ever more terrifying aspect, and so-called "Islamophobia", a more recent but equally loathsome phenomenon. He had discussed those issues with several Member States, as well as representatives of the League of Arab States, including its Secretary-General. It was time that those problems were

recognized and the necessary steps taken to resolve them.

45. He thanked the representative of Brazil for her statement in support of the rule of law, which was one of his key priorities.

46. Lastly, he thanked the representative of Malaysia for raising the situation in the Middle East. He would do everything within his power to ensure that in future hopes for peace would not be disappointed. He had recently met with representatives of the Palestinian Authority and Israel, and would spare no effort to bring peace to the region, improve the human rights situation and support the plan drawn up by the Quartet.

47. **Mr. D'Alotto** (Argentina) asked the High Commissioner to comment on the quality of the work of the Commission on Human Rights, which, as an organ of the Economic and Social Council, had a leading role in the promotion and protection of human rights. Given the concerns expressed by his predecessor as High Commissioner and the Secretary-General in their respective reports regarding the work of the latest session, efforts must be made to enhance the effectiveness of the work of the Commission and avoid all politicization.

48. He would also like to know the High Commissioner's opinion on the Secretary-General's proposal concerning the mainstreaming and reform of the work of the human rights treaty bodies and special mechanisms of the Commission on Human Rights. Lastly, he wondered whether the High Commissioner intended to maintain the relations that had been established with the World Bank to ensure that it took account of human rights in its development programmes. He would also like to know whether contacts established with other multilateral institutions, such as IMF, would continue, in particular in the field of social, economic and cultural rights.

49. **Mr. Roshdy** (Egypt), referring to paragraph 26 of the report of the High Commissioner (A/57/36), asked what had become of the "visiting mission" which was to go to the occupied Palestinian territories.

50. Referring to paragraph 55 of the report regarding the increase in block voting by groups, in particular on issues relating to country situations, he said that, although the practice had been particularly in evidence during the fifty-eighth session, it had existed for a long time. He wondered why the issue had not been raised with regard to thematic resolutions.

51. Concerning paragraph 58 of the report, his delegation believed that the reference to the introduction of criteria — a term not used explicitly — for membership of the Commission on Human Rights did not accord with the principle of the national sovereignty of Member States, which were free to choose to which treaties they wished to accede. His delegation therefore wondered whether such criteria were in fact applicable.

52. The International Guidelines referred to in paragraph 100 of the report had never been submitted to Member States, either for consideration or for adoption. It was important to stop imposing the values and beliefs of certain countries, since such practices risked provoking tension. Referring to the section of the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) concerning specific sexual acts between consenting adults such as adultery, fornication, fellatio and sodomy, he wondered how categorizing those acts as criminal offences could undermine HIV/AIDS education and prevention activities.

53. **Mr. Xie** Bohua (China) said that the High Commissioner was welcome to visit China to further the cooperation already under way.

54. **Ms. Fusano** (Japan), referring to the recommendation made by the High Commissioner at the request of the Secretary-General to enhance the effectiveness of the treaty monitoring bodies, asked when that recommendation would be implemented. Japanese non-governmental organizations were keen to participate in the work of the treaty bodies. Indeed, when Japan submitted a periodic report to the Committee on the Elimination of All Forms of Discrimination against Women, non-governmental organizations dealing with women's issues submitted a parallel report to the Committee.

55. Her delegation had also been following with special interest recent efforts to improve and strengthen the work of the Office of the High Commissioner for Human Rights and would like to know what special measures or initiatives the High Commissioner planned to adopt in that connection.

56. **Mr. Amoros Nuñez** (Cuba) asked what specific measures the High Commissioner planned to take in

order to enhance the implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

57. **Mr. Vieira de Mello** (United Nations High Commissioner for Human Rights), responding to the questions put by the representative of Argentina, said that all speakers had referred to the inefficiency and politicization of the Commission on Human Rights. He was determined to find ways of resolving — or even preventing — such problems, which only undermined the Commission's international credibility. As to the strengthening and streamlining of the treaty monitoring bodies, he would ensure that the recommendations he would make to the Secretary-General in September 2003 would be as balanced, innovative and realistic as possible. He intended to raise the issue of cooperation with the international financial institutions with the International Monetary Fund (IMF), since during the building of Timor-Leste, IMF had proved to be a useful ally and it might be possible to make that cooperation more general.

58. In response to the representative of Egypt, he said that it had not been possible to send a "visiting mission" to the Middle East, to the occupied territories in particular, for reasons that were well known. He remained at the disposal of the two parties and the Commission on Human Rights, from which he awaited guidance and instructions.

59. Referring to paragraph 58 of the report, he said that the suggestions were aimed at strengthening the role and credibility of the Commission on Human Rights and eliminating the recent tendency towards the politicization of its work. Without undermining the sovereignty of any State, it would be both logical and desirable for States members of the Commission to abide by its decisions. They might therefore be expected to ratify the six core instruments and issue standing invitations to all thematic rapporteurs.

60. Paragraph 55 of the report related first and foremost to country-specific resolutions which, unlike thematic resolutions, were more often the subject of block voting and politicization. That was a tendency he deplored, as did most Member States.

61. The purpose of the International Guidelines on HIV/AIDS was to eliminate discrimination against those affected. However, the final document of the special session on HIV/AIDS made no mention of them.

62. In response to the representative of China, he said he welcomed the invitation from the Chinese authorities and hoped to visit the country in the first half of 2003.

63. Replying to the representative of Japan, he said he was convinced that non-governmental organizations could play a constructive role in enhancing the effectiveness of the treaty monitoring bodies and in other areas relating to human rights. Specific measures had been taken to improve the management of his Office. In addition to basic structural changes, such as the creation of an external relations unit, he intended to focus on the following areas: the improvement of policy-making; the translation of policies into programmes and activities, particularly in the field of technical cooperation; and the improvement of internal management within the Office.

64. In response to the representative of Cuba, he described the measures adopted — or envisaged — as follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. First, an anti-discrimination unit had been created within his Office to monitor follow-up activities. In 2003, the unit would be organizing three regional expert seminars for Western European and associated States, Eastern Europe and Asia. The establishment of a working group on the situation of persons of African descent was also envisaged. Contacts had been made with the Chairman of the Commission and various regional groups with a view to bringing the project to fruition at the earliest opportunity. Arrangements had also been made to support the intergovernmental working group on follow-up to the Conference and to elaborate additional measures to combat racial discrimination. Lastly, his Office had organized two Conference follow-up seminars, in Mexico and Kenya.

65. Considerable efforts must be agreed at the national and international levels to draw up a realistic programme of follow-up to the Conference and to determine what his Office's priorities should be in implementing the recommendations of the Conference. For his part, he was convinced that most conflicts in recent decades had their roots in intolerance and racial discrimination; he hoped to focus on those issues and on the follow-up to the World Conference

66. **Ms. Ahmed** (Sudan) asked the High Commissioner to explain how the right to development

might be given practical expression, given the ever-increasing number of people living in absolute poverty and suffering from hunger.

67. Concerning paragraph 55 of the report of the High Commissioner, she hoped that the Commission on Human Rights would be strengthened and that politicization would be avoided, in accordance with the wishes expressed by Member States in the Commission and in the General Assembly.

68. With regard to missions of the Commission on Human Rights to the occupied Palestinian territories, she hoped that the High Commissioner would do his best to normalize the situation. The occupation of the Palestinian territories was the main cause of violence in the region. Unless the occupation ceased and a just and universal peace was established, the situation would prove increasingly difficult to control.

69. **Ms. Ouédragogo** (Burkina Faso), referring to the High Commissioner's comments on the human rights situation in Côte d'Ivoire, asked whether he planned to intervene in order to put an end to the serious violations of human rights in that country.

70. In addition, since the former High Commissioner had proposed in her report that priority should henceforth be given to the establishment and strengthening of national protection systems, she would like to know how his Office planned to approach the issue and whether it contemplated intervening in situations where assistance had not been requested.

71. **Ms. Loemban Tobing** (Suriname) said that her delegation associated itself fully with the High Commissioner's remarks, in particular concerning the role of human rights in development; the adoption of a gender-equality perspective; the need to liberate all peoples from fear and want; the importance of the active participation of civil society, in particular of non-governmental organizations; and recourse to two new instruments, the Comprehensive and Integral International Convention on Promotion and Protection of the Rights and Dignity of Persons with Disabilities and the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

72. She drew attention to the importance of human rights education, which had also been referred to both by the High Commissioner and on several occasions by his predecessor. She agreed that countries must be given assistance in implementing human rights treaties at the national level and in strengthening national human rights institutions. She would welcome information on specific measures required to support human rights at all levels.

73. **Mr. Vigny** (Switzerland) said that he supported the High Commissioner's programme of action and agreed that every State, political movement, regular army, armed group, public institution, private company, group or individual was responsible for applying human rights, international humanitarian law, international refugee law and international criminal law. Those basic rules were of particular importance for combating terrorism, since it was only by scrupulously implementing them that the international community could hope to eliminate the roots of terrorism.

74. With regard to the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the High Commissioner, like his predecessor, supported, funding should be assured not only by the future State Parties, but also from the regular budget of the United Nations, as in the case of the six core human rights conventions and their five optional protocols.

75. His delegation associated itself with the appeal to all States members of the Commission on Human Rights to extend a standing invitation to all special rapporteurs and special representatives of the Secretary-General to visit their territories for the purpose of monitoring the human rights situation. In addition to the ratification of the six core conventions, such an invitation would demonstrate a State's genuine and resolute commitment to human rights.

76. **Mr. Hussain** (Pakistan) said that the High Commissioner had raised several key issues in his report: the increasing number of human rights violations in the context of counter-terrorism activities; the discrimination which was detrimental to social harmony and bred insecurity; the fate of civilians who continued to be victims of conflicts; the need to combat impunity at the international level; and the domination and discrimination that were among the major causes of conflict in many regions of the world.

77. His delegation hoped that the High Commissioner would pay special attention to conflict situations, especially cases of foreign occupation that were

sources of gross violations of human rights, as in Jammu and Kashmir and Palestine.

78. The report of the High Commissioner omitted, however, to mention massacres of Muslims in the Indian State of Gujarat and the political fascism from which minorities suffered in India. The promotion of human rights required respect for the principles of objectivity and impartiality. It was therefore important not to turn a blind eye to the situation in some countries on the grounds that those countries were democratic and secular. Furthermore, the report failed to take into consideration the measures implemented by countries. For example, Pakistan, had adopted various measures to eradicate violence against women, including the phenomenon of honour crimes. It was also striving to integrate women at all levels of public life.

79. His delegation wondered what action the High Commissioner intended to take in response to the human rights violations in Jammu and Kashmir that had been denounced, inter alia, by several non-governmental organizations.

80. **Mr. Vieira de Mello** (United Nations High Commissioner for Human Rights), responding to the representative of Sudan, said that his Office was adopting a multi-pronged approach. Contacts had been made with United Nations programmes and funds active in the area of the right to development. It was not for his Office to elaborate strategies in that complex domain, but rather to encourage various institutions, such as the World Bank and regional banks, as well as Member States, to take human rights concerns into account in their development strategies. As for the tendency towards politicization in the work of the Commission on Human Rights described in paragraph 55 of his report, he would be taking steps to check the phenomenon. He also concurred with the remarks made by the representative of the Sudan concerning Palestine. In response to the representative of Burkina Faso, he said that steps had already been taken to try to put an end to the violence in Côte d'Ivoire. He had also written to the combatants to remind them of the importance of respecting human rights. He would do his utmost to encourage a return to normalcy, in particular to that spirit of tolerance without which a resumption of negotiations and the implementation of earlier recommendations on national reconciliation would be difficult. Technical cooperation activities undertaken at the request of Member States would also be continued.

81. In response to the representative of Suriname, he said that in the area of human rights education, he would continue the work of his predecessor and try to bring about a change in mentality and a spirit of tolerance. He intended, inter alia, to promote human rights education at the primary and secondary levels and to make such education more widespread. He also hoped to raise awareness of the work of United Nations human rights mechanisms, which was still largely unknown. There was also a need to disseminate throughout the world the message that much remained to be done on human rights and that each individual had a role to play in that regard.

82. In response to the representative of Switzerland, he said that he had made several specific recommendations concerning respect for human rights in the context of counter-terrorism, some of which echoed recommendations made by his predecessor. He hoped that the Counter-Terrorism Committee, which was currently studying those recommendations, would respond favourably. He took note of the suggestion made by the representative of Switzerland concerning the funding of the draft optional protocol. It should be noted that only one more ratification was needed for the entry into force of the Convention on the Rights of Migrants; he hoped that the twentieth ratification would take place before the end of the current session of the General Assembly.

83. Replying to the representative of Pakistan, he said that he would give particular attention to situations of conflict and occupation and other threats to peace at the regional and international levels. He would study the different situations and hold consultations with the parties concerned to ensure that his Office's actions were better targeted. The situation of women would also be one of the priorities of his mandate.

84. **Mr. Alaei** (Islamic Republic of Iran) said that an invitation had been issued to all special rapporteurs to visit his country. In order to promote and protect human rights, it was essential to respect cultural diversity. Otherwise, it would not be possible to combat hatred, suspicion and stereotypes, promote security and avoid violence, conflict and war. He recalled the special initiative of the former High Commissioner for Human Rights in establishing a dialogue between Islamic countries and the West,

involving politicians, experts and intellectuals, for the purpose of improving understanding and facilitating partnership. He wondered whether the new High Commissioner planned to follow in the path of his predecessor.

85. **Ms. Acosta** (Mexico) said that she associated herself with the thrust of the High Commissioner's statement. It was equally important to ensure respect for human rights standards at both the national and the international levels. Mexico, for its part, attached great importance to respect for human rights and, in that connection, it welcomed the technical cooperation agreement concluded with the Office of the High Commissioner. Her delegation also welcomed the establishment of a working group on democracy and the rule of law, and would appreciate further information in that connection. It believed that there was indeed a need to avoid politicization of the work of the Commission on Human Rights and regretted that the resources allocated to the Office of the High Commissioner were not commensurate with the tasks at hand.

86. **Mr. Sinaga** (Indonesia) said that his Government was determined to combat terrorism, while maintaining respect for human rights. He welcomed the High Commissioner's commitment to take active steps to combat the new tendency for counter-terrorism efforts to target specific religious or national groups and asked whether he intended to adopt specific measures in that regard.

87. **Mr. Vieira de Mello** (United Nations High Commissioner for Human Rights) said that he agreed with the comments of the representative of the Islamic Republic of Iran concerning cultural diversity and dialogue among civilizations and cultures. He did indeed intend to continue his predecessor's initiative in that area, inter alia, through cooperation with the League of Arab States.

88. Responding to the representative of Mexico, he said that his Office would continue its technical cooperation programme with Mexico; he agreed that respect for human rights was indeed primarily a national rather than an international responsibility. The purpose of the working group on democracy and the rule of law was to assist Member States in those two areas; its smooth operation depended not on additional financial resources but on intellectual capacity. A conference devoted to that theme would be held in Geneva in late November, with the participation of international experts.

89. Responding to the representative of Indonesia's concern regarding the impact of counter-terrorism on human rights, he said that he had already raised the issue with the Secretary-General of the League of Arab States and various countries and regional groups and that he planned to take specific steps to raise awareness of Islam as a religion, culture and civilization based on peace and tolerance.

The meeting rose at 1.10 p.m.